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C O N F I D E N T I A L SECTION 01 OF 04 COLOMBO 000244

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SUBJECT: SRI LANKA: GOVERNMENT-BACKED EX-TIGERS SWEEP LOCAL
ELECTIONS IN EAST

DEPARTMENT FOR SCA/INS

Reference: COLOMBO 00199

(U) CLASSIFIED BY: Robert O. Blake, Ambassador 1.4(b,d)

11. (C) SUMMARY: The March 10 local elections in Batticaloa District in eastern Sri Lanka went off without any serious violations or incidents of violence. The TMVP, a government-backed anti-LTTE Tamil paramilitary, swept the elections, winning 8 of 9 local bodies (and in a coalition with the ruling UPFA, also won the 9th body, the Batticaloa Municipal Council). The elections were marked by the heavy presence of army and police forces. Outside groups have publicly acknowledged the relative peace that prevailed, despite scattered reports of elections violations and intimidation at the polls. Nevertheless, Election Day must be seen in the context of the climate of fear and intimidation that dominated the overall election process. The main opposition party, the UNP, and the party that has traditionally been favored in the district, the TNA, both declined to contest, citing fear for candidates' safety. Some reluctant candidates were reportedly forced to stand for election, and others intimidated through abductions. Two who refused to comply were killed. Civil society representatives were virtually unanimous in stating that the populace did not want the elections, and feels no freedom to dissent from the line of the victors, the TMVP. Many worry that the fact that these local elections proceeded relatively smoothly on a formal basis will be used by the government to legitimize preparations for provincial council elections, probably in May, which they are concerned may not be fundamentally free and fair. End Summary.

Background of the Elections

12. (C) On March 10 local government elections were held in 9 constituencies in Batticaloa district, including Batticaloa municipality. These took place largely in formerly LTTE-controlled areas that the government re-captured last year. More than 800 candidates stood for election to 101 local council seats. The ruling United

People's Freedom Alliance (UPFA) and the government-backed TMVP (the political wing of the Karuna faction) jointly contested the Batticaloa Municipal Council (MC) elections - a clear indication that the government intends for the TMVP to be its partner in the East. In the other 8 constituencies, the TMVP ran on its own. Several other anti-LTTE Tamil paramilitary groups (EPDP, EPRLF, and PLOTE), also supported by the government, formed a coalition to compete with the TMVP. The opposition Sri Lankan Muslim Congress (SLMC), government-allied Muslim parties, and several local groups also ran in particular constituencies.

¶3. (C) The elections process in Batticaloa district was widely judged to be significantly flawed from the start (reftel). The nomination period, which ended January 25, was marred by widespread intimidation, including abductions, killings, and physical violence, which led to forced candidacies and the decisions by the opposition UNP and the TNA not to contest the elections. This climate of intimidation was created by government-backed anti-LTTE paramilitaries and government security forces operating in the East. Many observers were convinced that the government wants to use the local elections to provide a degree of legitimacy for its allied paramilitaries, notably the TMVP, and to serve as a dry run for provincial council elections, likely to be held in May or June.

¶4. (C) In the weeks preceding yesterday's elections, levels of violence noticeably decreased. Paramilitary groups put their weapons out of sight, most likely in their camps in remote areas of West Batticaloa. However, reports

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of occasional armed violence persisted. The GSL encouraged paramilitaries not to bear arms in public, and provided police security for candidates who requested it.

¶5. (C) On the weekend before the election, EmbOffs visited Batticaloa and met with a range of civil society representatives and religious leaders, as well as the Government Agent for Batticaloa District. Independent groups overwhelmingly confirmed what we had heard from earlier reports - that a climate of fear and intimidation left no room for dissent, and the public saw the elections as by and for the government and its friends. Much of the populace had no desire to participate in the elections and saw the results as already determined, but planned to participate because they feared reprisals if they did not. The security situation had improved since late 2007, but many abuses likely continued to go unreported. People regularly claimed that reporting abuses to the police was futile because it would not lead to any justice, and would only further endanger them and their families. The pressing concern of many civil society groups was that the local elections would proceed relatively smoothly, and thus legitimize preparations for provincial council elections, which they expected to be similarly unfree and unfair.

Election Results

¶6. (U) The TMVP won 8 of 9 local bodies, and with its ally, the UPFA, also won the key Batticaloa Municipal Council (MC). In effect, the TMVP won control of every local body, reportedly securing 70% of the total votes cast. In the Batticaloa MC, the UPFA-TMVP group won 11 seats, the EPDP-EPRLF-PLOTE coalition won 6 seats, the Sri Lanka Muslim Congress (SLMC) won 1 seat, and the Eelavar Democratic Front (EDF) also won 1 seat. The UNP and TNA did not participate. Voter turnout in Batticaloa MC was 53 percent, and estimates of overall turnout ranged from 45 to more than 56 percent. TamilNet reported that the percentage of spoiled ballots (i.e., protest votes) cast ranged from 6 to 20 percent across the 9 local bodies.

¶7. (U) There are conflicting reports about whom the TMVP will choose as mayor in Batticaloa. Pradeep Master, the TMVP Batticaloa leader and former Tiger, is widely expected to claim the post. But Pillaiyan, the ex-Tiger and militant head of TMVP who claims to be entering the political arena, has reportedly promised the job to Pathmini (alias Sivageetha), a former head of the group's Colombo office. When it was mentioned that Pradeep Master is aspiring for the same position, Pillaiyan told journalists that his party has not taken a "100 percent decision." Batticaloa residents reportedly feel that Pathmini is not qualified for the position of mayor, and prefer Pradeep Master.

Reactions

¶8. (U) In a press release on the night of March 10, PAFFREL (the leading international monitoring organization that was supported by the Nonviolent Peaceforce) said that the elections "took place in a peaceful environment," and incidents observed and reported by monitors "were of a minor nature." A very heavy police and armed force presence was observed. Fifteen mobile observation teams visited 86 out of 285 total polling stations. In areas where the population was mostly Tamil, the situation appeared calm, and polling agents of parties other than the TMVP were very rare. In predominantly Muslim areas, the electorate and polling stations were "somewhat more turbulent." In the Vakarai area, an EPDP-EPRLF-PLOTE candidate lodged a complaint of vote rigging by the TMVP, and armed policemen were seen inside the polling stations (a violation of election laws). In Valaichchenai, polling booths were lively and tense, with heated arguments between

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party members; monitors observed incidents related to the use of fake ID cards. PAFFREL assessed that due to TNA and UNP not contesting the elections, "in some areas there was no real contest." However, it commended the relatively healthy turnout of voters that indicates a desire for "a restoration of democratic institutions."

¶9. (C) Nevertheless, the chairman of PAFFREL, Kingsley Rodrigo, was quoted in the media as taking a more somber tone: "In Batticaloa, not only TMVP, many other armed groups are also there. Some of the Muslims also have arms... so I am not going to say this election is a free and fair one." When speaking with poloff on a visit to Batticaloa over the weekend before the elections, PAFFREL and Nonviolent Peaceforce staff were less congratulatory in their attitude toward the elections. They made clear that they had decided to mount a modest monitoring effort to protect the populace and provide some measure of deterrence against election violence - not/not to endorse in any way the election process itself, which they viewed as highly flawed from the beginning. Speaking with poloff after the elections, Roland Roescheisen (head of the Nonviolent Peaceforce in Sri Lanka) said that NP's objective was to keep violence down. Minor violations observed by monitors included people filling in ballot papers in pencil, and people voting twice. NP has requested funding from the National Democratic Institute to conduct post-election monitoring. PAFFREL told Emboff that its post-election monitoring would end on March 13.

¶10. (C) When asked for his reaction to the March 10 elections, the Executive Director of the Consortium of Humanitarian Agencies (CHA), Jeevan Thiagarajah (protect), without explicitly denouncing the elections, stated that the priority for the north and east should be interim administrative bodies to deliver services and implement development projects. Thiagarajah appeared to imply that the election did not meet minimum standards, noting that "democratizing areas of conflict is a necessity," for "the conflict itself is rooted in the lack of democratic

practices, including discrimination." Thiagarajah recognized that the East has had problems with the elections process since 1992, In elections yesterday, he noted "the problem is that the TMVP needs to be cleared by the law in terms of criminal acts," and that only the government should wield arms.

¶11. (C) On March 11 the Ambassador met with Defense Secretary Gothabaya Rajapaksa, who said he was very happy

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with how the elections turned out, claiming that it proved the GSL took the elections seriously. Gothabaya said that compared to elections in the south, the Batticaloa elections saw relatively few violations or incidents of violence. He praised the high turnout in Vakarai, attributing it to the fact that Vakarai has seen the largest improvement since the GSL pushed the LTTE out. Gothabaya called the high turnout a testament to good security in Vakarai, which made the people feel safe to vote; the people wanted to vote because they had seen such positive change. Further, he alleged that the high vote for the TMVP was especially encouraging because once people went into the booth, their votes could not be seen (and thus could not have been compelled). The TMVP was disadvantaged because "everyone had been talking against them, and they hadn't had the chance to show how they govern." Despite all these disadvantages, they had gotten many votes. Now the TMVP had a chance to prove themselves, he thought.

¶12. (C) Indian Deputy High Commissioner Manickam told DCM that he considered the elections in Batticaloa to have been "manipulated." He said he would wait several days and talk to party representatives before assessing the extent of the manipulation. He reckoned that if the voting in different voting districts turns out to have been reasonably close, he would conclude that there was not excessive

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interference, but if there were landslide victories that would be a clear sign of significant manipulation. He predicted that the LTTE would target officials elected in yesterday's elections. He noted that although India has advised the GSL to delay provincial elections in the East, he expects the GSL to nevertheless move quickly to hold them.

¶13. (C) Comment: The relative lack of violence and violations in yesterday's elections is welcome news. However, as Ambassador commented to Defense Secretary Gothabaya Rajapaksa, the GSL's critics will likely call it a flawed election because of the violence and intimidation that led up to it. In fact, given the physical violence and intimidation that preceded the elections for months, and the resulting climate of fear in which they took place, it would be difficult to assess them as free and fair. The danger is that if armed groups gain power through a flawed process and remain armed, the elections will perpetuate an undemocratic system that is at the root of the 25-year conflict. Ambassador urged the Defense Secretary to demobilize the TMVP cadres quickly beginning with the child soldiers, and not to rush to organize the far more important elections or the Eastern Provincial Council later this year. Rajapaksa responded that the GSL already had demobilized some child soldiers (septel). The USG message to the GSL should be that if the TMVP seizes the opportunity to demobilize and recast itself as a legitimate political party, stopping its illegal activities, prospects for a legitimate election to the provincial council with broader participation would remain intact.

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